THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23615 of 1998

Dated:26.07.2007

Between
Mohana Dolai

.....Petitioner

and

1.The General Manager
(PM) Ordinance Factory Project
(Ministry of Defence)
Yeddumailaram, Medak District and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.23615 of 1998

ORDER:

This writ petition is filed seeking a Mandamus to declare that the petitioner belongs to Bentho Oriaya Community, which is declared as Scheduled Tribe in "The Constitution (ST) Order 1950 and further to declare that the petitioner is entitled to be posted as Welder in 1st respondent's factory.

It appears that in pursuance of the notification issued by the 1st respondent inviting applications for the post of Welder against a Schedule Tribe vacancy, the petitioner applied for the same and he was also interviewed. Though the petitioner claimed that he belongs to ST Community, he

did not produce the same. Hence, 1st respondent-Factory asked the petitioner to furnish an authenticated certificate to show that he belongs to ST. It seems, the petitioner instead of approaching the revenue authorities for obtaining the said certificate, approached the President of Mandal Parishad and produced a certificate purported to have been issued by him showing that the petitioner belongs to ST community. Since such certificate cannot be considered for the purpose of deciding as to whether the petitioner belongs to ST community or not, the matter was referred to the District Collector, who in turn, enquired and sent a report to 1st respondent stating that the petitioner does not belong to ST community.

Be that as it may, since the petitioner has not produced an authenticated certificate

issued by the competent authority under the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, 1st respondent cannot be blamed for denying the appointment to the petitioner against ST vacancy or the petitioner is entitled for any declaration that he belongs to ST Community. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, writ petition is dismissed. No costs.

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26-07-2007

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